

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-16, 8-21 and 30, drawn to an agitation apparatus.

Group II, claim(s) 22-28, drawn to a cleaning head.

Group III, claim(s) 29 and 32, drawn to a vacuum cleaner.

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the inventions do not share a common "special technical feature". The only structure that all of the Groups share is the agitation apparatus, however the agitation apparatus, as claimed in claims 1-4 is considered to be anticipated by the Bose (4,549,631) reference, which provides all of the structure of at least claims 1-4 reading on the agitation apparatus. Therefore, the agitation apparatus is not considered to be a "special technical feature" because the technical feature does not define a contribution which each invention, considered as a whole, makes over the prior art (See MPEP 1850, Section II).

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1 is represented by Figures 2, 3 and 5.

Species 2 is represented by figure 4.

Species 3 is represented by Figure 9.

Species 4 is represented by Figure 10.

Species 5 is represented by Figure 11.

Species 6 is represented by Figures 12 and 13.

Species 7 is represented by Figure 14.

Species 8 is represented by Figure 15.

Species 9 is represented by Figure 16.

Species 10 is represented by Figure 18.

Additionally, the application further claims subspecies A-C, reading on different species for driving the wave generator in the claims.

Species A is represented by Figure 6.

Species B is represented by Figure 7.

Species C is represented by Figure 8.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. In addition to electing one of Species 1-10, the applicant is further required to elect one of Subspecies A-C if any of Species 1-9 are elected. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:

Species 1 is supported by claims 1-6, 8, 9, 12-15, 18-25, 28 and 30.

Species 2 is not supported by any claims.

Species 3 is supported by claims 1-6, 8-10, 12-15 and 18-21.

Species 4 is supported by claims 1-6, 8, 9, 15 and 18-21.

Species 5 is supported by claims 1-4, 7-10, 15 and 18-21.

Species 6 is supported by claims 1-5, 8, 9, 15, 18-25, 29 and 30.

Species 7 is supported by claims 1-6, 8, 9, 15, 18-27, 30 and 32.

Species 8 is supported by claims 1-6, 8-10, 15 and 18-21.

Species 9 is supported by claims 1-6, 8, 9, 12-15 and 18-21.

Species 10 is supported by claims 1-3, 5, 6, 11, 16 and 17.

Subspecies A is supported by claim 13.

Subspecies B is supported by claims 14, 19 and 20.

Subspecies C is supported by claims 14, 19, 21, 29 and 30.

The following claim(s) are generic: no claims are considered to be generic to all Species.

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or

corresponding special technical features for the following reasons: as discussed supra, the agitation apparatus of claims 1-4 is not considered to be a "special technical feature" because it is anticipated by the prior art and there are no additional technical features that are shared by all of the Species.

6. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN R. MULLER whose telephone number is (571)272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryan R Muller/
Examiner, Art Unit 3723
12/11/2007